

IDAHO ADMINISTRATIVE CODE

~~*** THIS DOCUMENT IS CURRENT THROUGH JULY 1, 2007 ***~~

IDAPA 07: DIVISION OF BUILDING SAFETY
TITLE 03

CHAPTER 11: RULES GOVERNING MANUFACTURED/MOBILE HOME INDUSTRY LICENSING

000. LEGAL AUTHORITY.

In accordance with Sections 44-2102 and 44-2107, Idaho Code, the administrator of the Idaho Division of Building Safety is authorized to promulgate rules necessary for the timely resolution of disputes between manufacturers, retailers, resale brokers, and installers of manufactured homes, to establish a mandatory statewide manufactured home setup code, to define and prohibit deceptive practices and to establish administrative civil penalties.~~In accordance with Section 44-2102, Idaho Code, the administrator of the Idaho Division of Building Safety is authorized to promulgate rules necessary to implement the provisions of Title 44, Chapters 21 and 22, Idaho Code. Effective Date: (3-24-05)~~

In accordance with Section 44-2104, Idaho Code, the manufactured housing board is authorized to promulgate rules to carry out the provisions of Title 44, Chapter 21, Idaho Code.

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 07.03.11, "Rules Governing Manufactured/Mobile Home Industry Licensing," Division of Building Safety, IDAPA 07.03.11. ~~Effective Date: (3-24-05)~~

02. Scope. These rules apply to persons engaged in the business of manufacturing, selling, installing or servicing manufactured or mobile homes for purposes of human habitation (living and sleeping) in the state of Idaho. ~~Effective Date: (3-24-05)~~

002. WRITTEN INTERPRETATIONS.

The Division may from time to time provide legal opinions regarding these rules. To the extent not privileged, these documents will be made available for inspection at the Division's main office, 1090 E. Watertower St., Meridian, Idaho 83642. ~~Effective Date: (3-24-05)~~

~~003. ADMINISTRATIVE APPEALS.~~

~~This chapter does provide for administrative relief of the provisions outlined herein. Effective Date: (5-25-94)~~
003. (RESERVED)

004. DEFINITIONS.

For the purposes of these rules, the following terms will be used, as defined below: ~~Effective Date: (5-25-94)~~

~~01. Administrator. The administrator of the Division of Building Safety of the state of Idaho. Effective Date: (3-24-05)~~

~~02. Board. The Manufactured Home Advisory Board. The composition and duties of the Advisory Board are set forth at Section 44-2104, Idaho Code. Effective Date: (5-25-94)~~

~~0301. Bond. The performance bond required by Section 44-2103, Idaho Code. Effective Date: (5-25-94)~~

~~0402. Branch Office. An enclosed structure accessible and open to the public, at which the business of the manufactured/mobile home dealer/retailer is conducted simultaneously with and physically separated from his principal~~

place of business. There shall be displayed on the exterior a sign permanently affixed to the land or building with letters clearly visible to the major avenue of traffic. The sign shall provide the business name of the ~~dealer~~retailer. ~~Effective Date: (3-24-05)~~

~~0503.~~ Business. Occupation, profession, or trade. ~~Effective Date: (5-25-94)~~

~~0604.~~ Deceptive Practice. Intentionally publishing or circulating any advertising concerning mobile or manufactured homes which: ~~Effective Date: (5-25-94)~~

a. Is misleading or inaccurate in any material ~~respect~~particular; ~~Effective Date: (5-25-94)~~

b. Misrepresents any of the products or services sold or provided by a manufacturer, manufactured/ mobile home ~~dealer~~retailer, salesman, or service/installation company. ~~Effective Date: (3-24-05)~~

~~0705.~~ Division. The Division of Building Safety for the state of Idaho. ~~Effective Date: (5-25-94)~~

~~0806.~~ Installer. A person who owns a business which installs a manufactured/mobile home at the site where it is to be used for occupancy. The term does not include the purchaser of a manufactured/mobile home or a manufactured/mobile home ~~dealer~~retailer who does not install manufactured/mobile homes. A ~~dealer~~retailer who does install manufactured/mobile homes is an installer. The term also does not include concrete contractors or their employees. ~~Effective Date: (3-24-05)~~

~~0907.~~ Installation. The term includes "setup" and is the complete operation of fixing in place a manufactured/mobile home for occupancy. ~~Effective Date: (5-25-94)~~

~~10. — Manufactured Home. A structure constructed according to HUD manufactured home construction and safety standards, transportable in one (1) or more sections, which: — Effective Date: (3-24-05)~~

~~a. — In the traveling mode, is eight (8) body feet or more in width or is forty (40) body feet or more in length; or — Effective Date: (5-25-94)~~

~~b. — When erected on site, is three hundred twenty (320) or more square feet in size; and — Effective Date: (5-25-94)~~

~~c. — Is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities; and — Effective Date: (5-25-94)~~

~~d. — Includes the plumbing, heating, air conditioning, and electrical systems contained therein; — Effective Date: (5-25-94)~~

~~e. Except that such term shall include any structure which meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of Housing and Urban Development and complies with the standards established under 42 USC 5401. — Effective Date: (5-25-94)~~

~~11. — Manufactured Home Dealer. Except as otherwise provided in IDAPA 07.03.11, "Rules Governing Manufactured/Mobile Home Industry Licensing": — Effective Date: (3-24-05)~~

~~a. — Any person engaged in the business of selling or exchanging new and used units; or — Effective Date: (5-25-94)~~

~~b. — Any person or who buys, sells, lists, or exchanges three (3) or more new and used units in any one (1) calendar year. — Effective Date: (5-25-94)~~

~~12. — Manufactured/Mobile Home Salesman. Except as otherwise provided in IDAPA 07.03.11, "Rules Governing Manufactured/Mobile Home Industry Licensing": Any person employed by a manufactured/ mobile home dealer, for a salary, commission, or compensation of any kind to sell, list, purchase, or exchange or to negotiate for the sale, listing, purchase, or exchange of units. — Effective Date: (3-24-05)~~

~~1308.~~ Manufactured/Mobile Home Service Company. Any person who owns or is the responsible managing employee of a business which has grossed more than two thousand five hundred dollars (\$ 2,500) in any one (1) year from the service of manufactured or mobile homes. The term does not include a manufactured/mobile home ~~dealer~~retailer or owner. The term also does not include licensed electrical or plumbing contractors, carpet and vinyl installers, painting or concrete contractors, tape and texture installers, cabinet installers, public utilities, or the employees of any of

the occupations listed in this sentence. Finally, the term does not include manufactured/mobile home installers. ~~Effective Date: (5-25-94)~~

~~14. — Manufacturer. A manufacturing facility which has been certified by the U.S. Department of Housing and Urban Development (HUD) to construct prefabricated manufactured homes in accordance with the Manufactured Housing Construction Safety Standards Act of 1974. — Effective Date: (5-25-94)~~

~~15. — Mobile Home. A structure similar to a manufactured home, but built to a mobile home code prior to June 15, 1976, the date of enactment of the Federal Manufactured Housing and Safety Standards Act (HUD Code). — Effective Date: (5-25-94)~~

~~16. — Person. A natural person, corporation, partnership, trust, society, club, association, or other organization. — Effective Date: (5-25-94)~~

~~1709. Principal Place of Business. An enclosed structure accessible and open to the public, at which each of the following requirements are met: — Effective Date: (5-25-94)~~

a. The business of the manufactured/mobile home ~~dealer~~retailer is lawfully conducted; ~~Effective Date: (3-24-05)~~

b. The office or offices of the ~~dealer~~retailer is or are located; ~~Effective Date: (3-24-05)~~

c. The public may contact the ~~dealer~~retailer, or salesman; ~~Effective Date: (3-24-05)~~

d. The books and other records of the business of the ~~dealer~~retailer shall be kept and maintained; and ~~Effective Date: (3-24-05)~~

e. The greatest portion of the ~~dealer~~retailer's business is conducted. The books and records of a ~~dealer~~retailer must be kept and maintained at the ~~dealer~~retailer's principal place of business and be open to inspection during normal business hours by any authorized agent of the Division. Moreover, there shall be displayed on the exterior a sign permanently affixed to the land or building with letters clearly visible to the major avenue of traffic. The sign shall provide the business name of the ~~dealer~~retailer. ~~Effective Date: (3-24-05)~~

~~1810. Responsible Managing Employee. The person designated by the employer to supervise other employees, either personally or through others. — Effective Date: (5-25-94)~~

~~1911. Service. Service includes, but is not limited to, the installation or repair of awnings, roofing, skirting, siding, remodeling, material alterations, attached carports or decks, on or in manufactured/mobile homes. — Effective Date: (5-25-94)~~

~~2012. Unit. A mobile or manufactured home. — Effective Date: (5-25-94)~~

~~2113. Used Manufactured Home or Mobile Home. A manufactured home or mobile home, respectively, which has been: — Effective Date: (5-25-94)~~

a. Sold, rented, or leased and occupied prior to or after the sale, rental, or lease; or ~~Effective Date: (5-25-94)~~

b. Registered with or been the subject of a certificate of title issued by the Idaho Department of Transportation or the appropriate authority of any state, the District of Columbia, or foreign state or country. ~~Effective Date: (5-25-94)~~

005. - 011. (RESERVED).

012. LICENSE REQUIRED.

It shall be unlawful to engage in business as a manufacturer, manufactured/mobile home ~~dealer~~retailer, ~~resale broker~~, manufactured/mobile home salesman, responsible managing employee, or manufactured/mobile home service company, ~~or installer~~ without being duly licensed by the Division pursuant to Title 44, Chapter 21, Idaho Code, and IDAPA 07.03.11, "Rules Governing Manufactured/Mobile Home Industry Licensing." No issued licenses are transferable. ~~Effective Date: (3-24-05)~~

01. Minimum Age Requirement. No license will be issued to a person under eighteen (18) years of age at the time of license application. ~~Effective Date: (5-25-94)~~

02. Designated License Holder. Any applicant for a license under IDAPA 07.03.11, "Rules Governing Manufactured/Mobile Home Industry Licensing," which is not a natural person must designate a natural person to be license holder and represent the corporation, partnership, trust, society, club, association, or other organization for all licensing purposes under IDAPA 07.03.11, "Rules Governing Manufactured/Mobile Home Industry Licensing," including but not limited to testing and education. ~~Effective Date: (3-24-05)~~

a. The authorization to act as designated license holder must be in writing, signed by the applicant and the person designated, and filed with the Division along with the application. ~~Effective Date: (5-25-94)~~

b. Any person designated under Subsection 012.02 shall represent one (1) applicant only, and shall immediately notify the Division in writing if his working relationship with the applicant has been terminated. The license will be issued in the name of the designated license holder with the name of the organization he represents also noted on the license. The license holder shall be considered by the Division to be the licensee, even if the license holder is the designated representative of an organization. ~~Effective Date: (5-25-94)~~

c. The applicant and the person designated under ~~Subsection 012.02~~ this section agree by acceptance of the designation that the designated person shall act as agent of the applicant for all purposes under Title 44, Chapters 21 and 22, Idaho Code, and all rules promulgated thereunder. ~~Effective Date: (5-25-94)~~

03. Proof of License. Proof of the existence of any license issued pursuant to IDAPA 07.03.11, "Rules Governing Manufactured/Mobile Home Industry Licensing," shall be carried upon the person of the responsible managing employee or supervisor of any installation or any person who is personally involved with the service of any manufactured/mobile home at all times during the performance of the service or installation work. Such proof shall be furnished upon demand of any person. Moreover, any license issued to a manufactured/mobile home ~~dealer~~ retailer, resale broker, responsible managing employee, or salesman must be posted in a conspicuous place on the business premises of the employer for whom the holder of the license is licensed. The license of a manufacturing facility or branch office shall also be posted in a conspicuous place at the location licensed. ~~Effective Date: (3-24-05)~~

04. Real Estate Brokers. Licensed real estate brokers or real estate salesmen representing licensed real estate brokers shall not be required to obtain a license under IDAPA 07.03.11, "Rules Governing Manufactured/ Mobile Home Industry Licensing," in order to sell or lease a used unit that is currently carried on the tax rolls as personal property and that otherwise falls within the exemption contained in *Section 44-2102(2), Idaho Code*. ~~Effective Date: (3-24-05)~~

05. License for Manufacturers. In order to engage in business in the state of Idaho or to be entitled to any other license or permit required by IDAPA 07.03.11, "Rules Governing Manufactured/Mobile Home Industry Licensing," each manufacturer must be licensed by the Division. ~~Effective Date: (3-24-05)~~

06. License for Branch Office of Manufactured/Mobile Home ~~Dealer~~ Retailer or Resale Broker. ~~Effective Date: (3-24-05)~~

a. The Division shall require as a condition of licensing and bonding any information it deems necessary for each location where a manufactured/mobile home ~~dealer~~ retailer or resale broker maintains a branch office. The mere listing of manufactured/mobile homes for sale does not constitute a branch office, but the use of a mobile home park or a state sales office by a licensee for the sale or offering for sale of manufactured/mobile homes does constitute the maintenance of a branch office. A branch office manager may not manage more than one (1) branch office. ~~Effective Date: (3-24-05)~~

b. To open a branch office, a ~~dealer~~ retailer or resale broker must: obtain a license from the Division to operate the branch office; and provide for direct supervision of the branch office, either by himself or by employing a branch office manager. ~~Effective Date: (3-24-05)~~

c. If the branch office is closed, the ~~dealer~~ retailer or resale broker shall immediately deliver the license to the Division. ~~Effective Date: (3-24-05)~~

07. License to Engage in Business as Manufactured/Mobile Home ~~Dealer~~ Retailer, Resale Broker, Manufacturer, Service Company, or Installer; Application; Bond; Issuance, Expiration, and Renewal. ~~Effective Date: (3-24-05)~~

a. Applications for a manufacturer's, ~~dealer~~retailer's, ~~resale broker's~~, service company or installer's license must be filed upon forms supplied by the Division, and the applicant shall furnish: ~~Effective Date: (3-24-05)~~

____i. Any proof the Division may deem necessary that the applicant is a manufacturer, ~~dealer~~retailer, ~~resale broker~~, service company or installer; ~~Effective Date: (3-24-05)~~

____ii. Any proof the Division may require that the applicant has a principal place of business; ~~Effective Date: (5-25-94)~~

____iii. Any proof the Division may require of the applicant's good character and reputation and of his fitness to engage in the activities for which the license is sought; ~~Effective Date: (5-25-94)~~

____iv. In the case of a ~~dealer~~retailer in new manufactured homes, an instrument in the form prescribed by the Division executed by or on behalf of the manufacturer certifying that the applicant is an authorized franchise ~~dealer~~retailer for the make or makes concerned; ~~Effective Date: (5-25-94)~~

____v. A reasonable fee and proof of bond fixed by rule; and ~~Effective Date: (5-25-94)~~

____vi. In the case of a ~~dealer~~retailer, ~~resale broker~~, service company, or installer, proof of passing the examination required by IDAPA 07.03.11, "Rules Governing Manufactured/Mobile Home Industry Licensing." ~~Effective Date: (3-24-05)~~

b. Within thirty (30) days after receipt of a completed application, the Division shall issue or deny the license. ~~Effective Date: (5-25-94)~~

c. Each license is valid for a period of one (1) year from the date of issuance and may be renewed for like consecutive period upon application to and approval by the Division. ~~Effective Date: (5-25-94)~~

d. If any installer or service company's working relationship with his employer is terminated, the employer shall immediately deliver the license of the terminated installer or service company to the Division. ~~Effective Date: (5-25-94)~~

08. License for Manufactured/Mobile Home Salesman. ~~Effective Date: (5-25-94)~~

a. A person shall not act as a salesman in this state for a person who sells or leases any manufactured/ mobile home subject to the provisions of Title 44, Chapters 21 or 22, Idaho Code, without having first received a license from the Division. Before issuing such a license, the Division shall require: (1) an application, signed by the applicant and verified by his employer, stating that he desires to act as a salesman and providing his residential address and the name and address of his employer; (2) a statement as to whether any previous application of the applicant has been denied or license revoked; (3) payment of the license fee established by rule; and (4) any other relevant information the Division deems necessary. ~~Effective Date: (5-25-94)~~

b. Within thirty (30) days after receipt of a completed application, the Division shall issue or deny the license. ~~Effective Date: (5-25-94)~~

c. Each license is valid for a period of one (1) year from the date of issuance and may be renewed for like consecutive period upon application to and approval by the Division. ~~Effective Date: (5-25-94)~~

d. A person licensed pursuant to Subsection 012.08 shall not engage in sales activity other than for the account of, or for and on behalf of, a single employer who is a licensed ~~dealer~~retailer or resale broker. ~~Effective Date: (3-24-05)~~

e. If a salesman ceases to be employed by a licensed ~~dealer~~retailer or resale broker, his license to act as a salesman is automatically suspended and his right to act in that capacity immediately ceases. He shall not engage in such activity until reemployed by a licensed ~~dealer~~retailer or resale broker. If the salesman's working relationship with his employer is terminated, the employer shall immediately deliver his license to the Division. ~~Effective Date: (3-24-05)~~

09. License for Responsible Managing Employee. ~~Effective Date: (5-25-94)~~

a. A person shall not act as a responsible managing employee for an installer or service company without first having been issued a license by the Division. Before issuing such a license the Division shall require: ~~Effective Date: (5-25-94)~~

___i. An application, signed by the applicant and verified by his employer, stating that he desires to act as a responsible managing employee and providing his residential address and the name and address of his employer; ~~Effective Date: (5-25-94)~~

___ii. A statement as to whether any previous application of the applicant has been denied or license revoked; and ~~Effective Date: (5-25-94)~~

___iii. Payment of the license fee established by rule; and ~~Effective Date: (5-25-94)~~

___iv. Any other relevant information the Division deems necessary. ~~Effective Date: (5-25-94)~~

b. Within thirty (30) days after receipt of a completed application, the Division shall issue or deny the license. ~~Effective Date: (5-25-94)~~

c. Each license is valid for a period of one (1) year from the date of issuance and may be renewed for like consecutive period upon application to and approval by the Division. ~~Effective Date: (5-25-94)~~

d. A person licensed pursuant to Subsection 012.09 shall not engage in such activity other than for the account of, or for and on behalf of, a single employer who is a licensed service company or installer. ~~Effective Date: (5-25-94)~~

e. If a responsible managing employee ceases to be employed by an installer or service company, his license to act as a responsible managing employee is automatically suspended and his right to act in that capacity immediately ceases. He shall not engage in such activity until reemployed by a licensed installer or service company. ~~Effective Date: (5-25-94)~~

f. If the responsible managing employee's working relationship with his employer is terminated, the employer shall immediately deliver his license to the Division. ~~Effective Date: (5-25-94)~~

013. THE DIVISION'S MAILING ADDRESS.

Any correspondence or notices required by IDAPA 07.03.11, "Rules Governing Manufactured/Mobile Home Industry Licensing," or Title 44, Chapters 21 or 22, Idaho Code, shall be addressed to the Division of Building Safety, 1090 E. Watertower St., Meridian, Idaho 83642. ~~Effective Date: (3-24-05)~~

014. PROOF OF CONTINUING EDUCATION REQUIRED.

~~Effective January 1, 1995, and except as otherwise provided in Section 07.03.11.015, the Division shall not: Effective Date: (5-25-94)~~

~~-01. Satisfactory Proof for Application Submission. Allow an applicant for a license as a manufactured/mobile home dealer, or service company or installer to submit an application for the license until he submits proof satisfactory to the Division that he has completed the following number of hours of initial education: Effective Date: (3-24-05)~~

~~a. — Installers and dealers (who are also installers): eight (8) hours. Effective Date: (5-25-94)~~

~~b. — Dealers (who are not installers) and service company employees: four (4) hours. Effective Date: (3-24-05)~~

~~c. — The course of initial education will include information relating to the provisions of IDAPA 07.03.11, "Rules Governing Manufactured/Mobile Home Industry Licensing," Title 44, Chapters 21 and 22, Idaho Code, and the Manufactured Housing Construction Safety Standards Act of 1974. Effective Date: (3-24-05)~~

~~-0201.~~ Satisfactory Proof for License Renewal. ~~No Renew any~~ license issued pursuant to Title 44, Chapters 21 or 22, Idaho Code, or IDAPA 07.03.11, "Rules Governing Manufactured/Mobile Home Industry Licensing," shall be renewed until the licensee has submitted proof satisfactory to the Division that he has, during the one (1) year immediately preceding the renewal of the license, completed at least the following number of hours of continuing education: ~~Effective Date: (3-24-05)~~

a. Installers, ~~dealers who are also installers,~~ and responsible managing employees: four (4) hours. ~~Effective Date: (5-25-94)~~

b. ~~Dealer/Retailers, who are not installers~~ resale brokers, and service company employees: two (2) hours. ~~Effective Date: (3-24-05)~~

~~0302.~~ Continuing Education Course. The course of continuing education shall include information relating to the following: ~~Effective Date: (5-25-94)~~

a. Manufactured housing or mobile home parks which will enable a person to give better service to the members of the general public and tenants of manufactured/mobile home parks; ~~Effective Date: (5-25-94)~~

b. The construction, including components and accessories, rebuilding, servicing, installation, or sale of manufactured/mobile homes; ~~Effective Date: (5-25-94)~~

c. Legislative issues concerning manufactured/mobile home housing and manufactured/mobile home parks, including pending and recently enacted state or federal legislation; and ~~Effective Date: (5-25-94)~~

d. IDAPA 07.03.11, "Rules Governing Manufactured/Mobile Home Industry Licensing," Title 44, Chapters 21 or 22, Idaho Code, and the Manufactured Housing Construction Safety Standards Act of 1974. ~~Effective Date: (3-24-05)~~

015. EXAMINATION OF APPLICANT FOR LICENSE.

~~___01.~~ Required Examinations. Effective January 1, 1995, the Division shall require a written examination of each applicant for a license, other than a license being renewed, as a manufactured/mobile home ~~dealer/retailer, resale broker,~~ service company or installer. The examination shall include, but may not be limited to, the following subjects: Title 44, Chapters 21 and 22, Idaho Code; IDAPA 07.03.11, "Rules Governing Manufactured/Mobile Home Industry Licensing," and IDAPA 07.03.12, "Rules Governing Manufactured or Mobile Home Installations"; and the Manufactured Housing Construction Safety Standards Act of 1974. To avoid the requirement of an examination and be considered a renewal, any licensee must renew his license within ~~sixty (60) days~~ six (6) months of its expiration date. ~~Effective Date: (3-24-05)~~

02. Approval of Examination and Grade. Examinations for all classifications under these rules shall be approved by the Division and the Manufactured ~~Home~~Housing ~~Advisory~~ Board. No license shall be issued unless the applicant receives a final grade of seventy percent (70%) or higher. ~~Effective Date: (5-25-94)~~

03. Retesting. If an applicant for a license fails the written examination offered by the Division twice, he must wait at least thirty (30) days before retesting. ~~Effective Date: (5-25-94)~~

016. DISCIPLINARY ACTION AGAINST LICENSEES.

The Division may deny, suspend, refuse to renew, or revoke any license issued under Title 44, Chapter 21, Idaho Code, or IDAPA 07.03.11, "Rules Governing Manufactured/Mobile Home Industry Licensing," or reissue the license subject to reasonable conditions upon any of the following grounds: ~~Effective Date: (3-24-05)~~

01. Violation of Rules and Statutes. For any willful or repeated violation of IDAPA 07.03.11, "Rules Governing Manufactured/Mobile Home Industry Licensing," or IDAPA 07.03.12, "Rules Governing Manufactured or Mobile Home Installations," ~~or Title 44, Chapters 21 or 22, Idaho Code;~~ ~~Effective Date: (3-24-05)~~

02. Failure to Have Principal Place of Business. With regards only to a manufactured/mobile home ~~dealer/retailer~~ or resale broker, failure of the applicant or licensee to have a principal place of business; ~~Effective Date: (3-24-05)~~

03. Revocation of License. The revocation of the license of the employer of ~~an installer,~~ responsible managing employee, ~~or salesman,~~ ~~or service company~~ is grounds for the revocation of the license of the installer, responsible managing employee, ~~or salesman,~~ ~~or service company~~ employee. ~~Effective Date: (5-25-94)~~

04. False Information. Material misstatement in the application or otherwise furnishing false information to the Division; ~~Effective Date: (5-25-94)~~

05. Proof of Employment. Failure of a salesman or applicant for licensing as a salesman to establish by proof satisfactory to the Division that he is employed by a licensed ~~dealer/retailer~~ or resale broker; ~~Effective Date: (3-24-05)~~

06. Disclosing Contents of Examination. Obtaining or disclosing the contents of an examination given by the Division; ~~Effective Date: (5-25-94)~~

07. Deceptive Practice. The intentional publication, circulation, or display of any advertising which constitutes a deceptive practice as that term is defined in IDAPA 07.03.11, "Rules Governing Manufactured/Mobile Home Industry Licensing"; ~~Effective Date: (3-24-05)~~

08. Failure to Provide Business Name. Failure to include in any advertising the name of the licensed ~~dealer-re-tailer, resale broker,~~ service company, or installer, or the name under which he is doing business; ~~Effective Date: (5-25-94)~~

09. Encouraging Falsification. Intentionally inducing an applicant or licensee to falsify his credit application; ~~Effective Date: (5-25-94)~~

10. Poor Workmanship. Performing workmanship which is grossly incompetent or repeatedly below the standards adopted by Title 44, Chapters 21 and 22, IDAPA 07.03.11, "Rules Governing Manufactured/Mobile Home Industry Licensing," IDAPA 07.03.12, "Rules Governing Manufactured or Mobile Home Installations," the Federal Manufactured Housing and Safety Standards Act of 1974, or the latest Idaho adopted editions of the International Building Code, the National Electrical Code, the Uniform Plumbing Code, and the International Mechanical Code, then in effect; ~~Effective Date: (3-24-05)~~

11. Installation Supervisor Required. Failure to have a licensed responsible managing employee personally supervise any installation or service of a manufactured/mobile home; ~~Effective Date: (5-25-94)~~

12. Failure of Organizations to License its Employees. Failure of an organization to have its employees maintain any license as required by IDAPA 07.03.11, "Rules Governing Manufactured/Mobile Home Industry Licensing"; ~~Effective Date: (3-24-05)~~

13. Failure to Honor Warranties. Failure to honor any warranty or other guarantee given by ~~an applicant or~~ licensee for construction, workmanship, or material as a condition of securing a contract, or of selling, leasing, reconstructing, improving, repairing, or installing any manufactured/mobile home, or accessory structure; ~~Effective Date: (5-25-94)~~

14. Revocation or Denial of License. Revocation or denial of a license issued pursuant to IDAPA 07.03.11, "Rules Governing Manufactured/Mobile Home Industry Licensing," or an equivalent license by any other state or U.S. territory~~country~~; ~~Effective Date: (3-24-05)~~

15. Failure to Maintain Any Required License. Failure of the licensee to maintain any other license required by any city or county of this state; ~~Effective Date: (5-25-94)~~

16. Failure to Respond to Notice. Failure to respond to a notice served by the Division as provided by law within the time specified in the notice; ~~Effective Date: (5-25-94)~~

17. Failure to Permit Access to Documentary Materials. Failure or refusing to permit access by the Division to relevant documentary materials after being requested to do so by the Division; ~~Effective Date: (5-25-94)~~

18. Conviction of Misdemeanor. Conviction of a misdemeanor offense involving theft or fraud ~~or for~~ violation of any of the provisions of Title 44, Chapters 21 or 22, Idaho Code; ~~Effective Date: (5-25-94)~~

19. Conviction of Felony. Conviction or withheld judgment for any felony in this state or any U.S. territory ~~a felony or a crime of moral turpitude in this state or any other state or country~~; ~~Effective Date: (5-25-94)~~

20. Dealing with Stolen Manufactured or Mobile Homes. To knowingly purchase, sell, or otherwise acquire or dispose of a stolen manufactured or mobile home; or ~~Effective Date: (5-25-94)~~

21. Violation of Permit or Inspection Requirements. To knowingly violate any permit or inspection requirements of any city or county of this state; ~~Effective Date: (5-25-94)~~

017. PROCEDURES FOR LICENSING SUSPENSION, REVOCATION OR NONRENEWAL.

Any proceeding to suspend, revoke, or not renew any license shall be conducted as a contested case in accordance with the provisions of Title 67, Chapter 52, Idaho Code, and the Idaho Attorney General's Model Rules of Practice and Pro-

cedure, IDAPA 04.11.01.000, et seq. Any party aggrieved by an order of the administrator suspending, revoking, or not renewing a license shall be entitled to judicial review thereof in accordance with the provisions of Title 67, Chapter 52, Idaho Code. ~~Effective Date: (3-24-05)~~

018. APPLICATION FOR NEW LICENSE.

Any person whose license has been revoked may not apply for a new license until the expiration of one (1) year from the date of such revocation. ~~Effective Date: (5-25-94)~~

019. FEES.

___01. Fees for Issuance and Renewal of License. The following fees for the issuance and renewal of a license will be charged, and no application for licensing pursuant to this rule will be accepted by the Division unless it is accompanied by the appropriate fee: ~~Effective Date: (5-25-94)~~

- a. Manufactured/mobile home ~~dealer's~~retailer or resale broker's license: four hundred forty dollars (\$ 440). ~~Dealers who are also installers will not have to pay an installer's license fee in order to hold both licenses. Effective Date: (3-24-05)~~
- b. Manufacturer license: four hundred forty dollars (\$ 440); ~~Effective Date: (3-24-05)~~
- c. Manufactured/mobile home service company/or installer license: two hundred twenty dollars (\$ 220); ~~Effective Date: (3-24-05)~~
- d. Manufactured/mobile home salesman's license: forty-five dollars (\$ 45). ~~Effective Date: (3-24-05)~~
- e. ~~Branch office/responsible~~ Responsible managing employee license: forty-five dollars (\$ 45). ~~Effective Date: (3-24-05)~~

02. Performance Bonding Requirements. No application for licensing pursuant to IDAPA 07.03.11, Rules Governing Manufactured/Mobile Home Industry Licensing, shall be accepted unless it is accompanied by evidence of the following performance bond: ~~Effective Date: (3-24-05)~~

- a. Manufacturer: twenty thousand dollar (\$ 20,000) bond; ~~Effective Date: (5-25-94)~~
- b. Manufactured/mobile home ~~dealer~~retailerretailer: ~~twenty~~ forty thousand dollar (\$ ~~20~~40,000) bond; ~~Effective Date: (5-25-94)~~
- c. Manufactured/mobile home resale broker: thirty thousand dollar bond (\$30,000) bond;
- ~~ed.~~ ed. Manufactured/mobile home service company/or installer: five thousand dollar (\$ 5,000) bond. ~~Dealer~~Retailers who are also installers will not be required to post an installer's bond in order to hold both licenses. ~~Effective Date: (5-25-94)~~
- ~~de.~~ de. ~~Branch office/r~~Responsible managing employee. No bond. ~~Effective Date: (5-25-94)~~

03. Money or Securities Deposit in Lieu of Performance Bond. A money or securities deposit shall be accepted by the Division in lieu of the performance bonding requirement as set forth at Title 44, Chapter 21, Idaho Code, and IDAPA 07.03.11.019.02, under the following circumstances: ~~Effective Date: (7-1-96)~~

- a. Any such money or securities deposit shall be in a principal sum equal to the face amount of the performance bond required for the applicable licensing category; ~~Effective Date: (7-1-96)~~
- b. Any such money deposit shall be deposited in a time certificate of deposit which provides on its face that the principal amount of such certificate of deposit shall be payable to the Division upon presentment and surrender of the instrument; ~~Effective Date: (7-1-96)~~
- c. Any such time certificate of deposit shall have a maturity date of one (1) year from the effective date of licensure and shall have an automatic renewal provision for subsequent years; ~~Effective Date: (7-1-96)~~

d. Any such time certificate of deposit shall be provided to the Division at the time of application for licensure and shall be retained by the Division during the effective period of licensure unless otherwise expended by the Division to insure completion of the licensee's performance; ~~Effective Date: (7-1-96)~~

e. Any such time certificate of deposit shall be returned to an unsuccessful applicant for licensure; ~~Effective Date: (7-1-96)~~

f. The principal amount of any such time certificate of deposit, to the extent not otherwise expended to insure completion of the licensee's performance, shall be returned to the depositor by the Division on or before ninety (90) days subsequent to the occurrence of any of the following events: voluntary surrender or return of a license; expiration of a license; lapse of a license; or revocation or suspension of a license; and ~~Effective Date: (7-1-96)~~

g. Any interest income earned by reason of the principal amount of the time certificate of deposit shall be the property of the licensee. ~~Effective Date: (7-1-96)~~

020. LICENSING COMPLAINTS.

Persons who wish to submit comments to the Division for its consideration regarding the fitness to hold a license of anyone currently licensed or applying for a license under IDAPA 07.03.11, "Rules Governing Manufactured/Mobile Home Industry Licensing," must do so in writing. To be considered, any such writing must be signed, dated, provide the name of the license holder or applicant, provide the specific details giving rise to the comments, and contain a valid and current address and telephone number for verification purposes. ~~Effective Date: (3-24-05)~~

021. RETURN OF LICENSE UPON REVOCATION.

In the event a license is revoked by the Division, the former license holder shall immediately return the revoked license to the Division. ~~Effective Date: (5-25-94)~~

022. CIVIL PENALTIES

The following acts shall subject the violator to penalties based on the following schedule.

01. Industry Licensing. Except as provided for by Section 44-2106, Idaho Code, any person who engages in the business of a manufacturer, retailer, resale broker, salesman, installer, service company, or responsible managing employee (RME) as defined in Section 44-2101A Idaho Code, without being duly licensed by the Idaho Division of Building Safety shall be subject to a civil penalty of not more than five hundred dollars (\$500.00) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000.00) for each offense thereafter.

02. Deceptive Practice. In accordance with section 44-2106 (2), Idaho Code, any retailer, resale broker, installer, salesman, service company, or RME who intentionally publishes or circulates any advertising which is misleading or inaccurate in any material respect or which misrepresents any of the products or service sold or provided by a manufacturer, retailer, resale broker, installer, service company, or RME, shall be subject to a civil penalty of not more than five hundred dollars (\$500.00) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000.00) for each offense thereafter.

03. Dealing with Stolen Manufactured or Mobile Homes. In accordance with section 44-2106 (2), Idaho Code, any person who knowingly purchases, sells, or otherwise acquires or disposes of a stolen manufactured or mobile home shall be subject to a civil penalty of not more than one thousand dollars (\$1,000.00).

04. Failure to Maintain a Principal Place of Business. In accordance with section 44-2106 (2), Idaho Code, Any person who is a retailer or resale broker duly licensed by the Idaho Division of Building Safety and who fails to maintain a principal place of business within Idaho, shall be subject to a civil penalty of not more than five hundred dollars (\$500.00) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000.00) for each offense thereafter.

05. Violation of Laws and Rules. Any person who knowingly violates any of the provisions of IDAPA 07.03.11, "Rules Governing Manufactured /Mobile Home Industry Licensing; or IDAPA 07.03.12, "Rules Governing Manufac-

tured or Mobile Home Installations; shall be subject to a civil penalty of five hundred dollars (\$500.00) for the first offense and one thousand dollars (\$1,000.00) for each offense thereafter.

06. Gross Violation. In the case of continued, repeated, or gross violations of Title 44, Chapters 21 or 22, Idaho Code; IDAPA 07.03.11, "Rules Governing Manufactured /Mobile Home Industry Licensing; or IDAPA 07.03.12, "Rules Governing Manufactured or Mobile Home Installations; a license revocation shall be initiated for licensed individuals under Title 44, Chapter 21, Idaho Code. Non-licensed individuals shall be subject to prosecution by the appropriate jurisdiction under Idaho law.

07. Judicial Review. Any party aggrieved by the final action of the administrator shall be entitled to a judicial review thereof in accordance with the provisions of Title 67, Chapter 52, Idaho Code.

0223. - 029. (RESERVED).

030. MANUFACTURED HOME BUYER'S INFORMATION AND DISCLOSURE FORM.

The Manufactured Home Buyer's Information and Disclosure Form shall be presented by manufactured home ~~dealer~~re-
tailers to each purchaser of a new manufactured home, and shall be executed by the ~~dealer~~retailer and purchaser at the
time the initial purchase order is signed for the sale of a new manufactured home. The form is available at the Division
office. ~~Effective Date: (3-30-01)~~

031. - 999. (RESERVED).